

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FORM PTO-1390 (REV. 10-2003)		ATTORNEY'S DOCKET NUMBER
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		AMARY U.S. APPLICATION NO. (If known, see 37 CFR 1.5 Unknown 10/518121
INTERNATIONAL APPLICATION NO. PCT/EP03/06316	INTERNATIONAL FILING DATE 16 June 2003	PRIORITY DATE CLAIMED 17 June 2002
TITLE OF INVENTION ACHROMATIC SPECTROSCOPE ELLIPSOMETER WITH HIGH SPATIAL RESOLUTION		
APPLICANT(S) FOR DO/EO/US Pascal AMARY, Ramdane BENFERHAT, Francis BOS, Denis CATTELAN		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))        a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).        b. <input type="checkbox"/> has been communicated by the International Bureau.        c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).        a. <input type="checkbox"/> is attached hereto.        b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))        a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).        b. <input type="checkbox"/> have been communicated by the International Bureau.        c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.        d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: Express Mail Label No. EV477960875US</p>		

U.S. APPLICATION NO./Unknown	INTERNATIONAL APPLICATION NO. PCT/EP03/06316	ATTORNEY'S DOCKET NUMBER AMARY
21. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY
<b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b>		
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1080.00		
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$920.00		
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$770.00		
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$730.00		
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00		
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		
\$ 920.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		
\$ 130.00		
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	- 20 =	x \$18.00
Independent claims	- 3 =	x \$86.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$290.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$ 1,050.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		\$
<b>SUBTOTAL =</b>		\$
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$
<b>TOTAL NATIONAL FEE =</b>		\$ 1,050.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		\$
<b>TOTAL FEES ENCLOSED =</b>		\$ 1,050.00
		<b>Amount to be refunded:</b>
		<b>charged:</b>
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 1,050.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>080570</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>		
<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b></p> <p>SEND ALL CORRESPONDENCE TO:</p> <p> _____ SIGNATURE</p> <p>Customer Number 00545</p> <p>Anthony H. Handal/Roger Pitt NAME</p> <p>26,275/46,996 REGISTRATION NUMBER</p>		

10/518121

**Kirkpatrick & Lockhart LLP**

599 Lexington Avenue  
New York, NY 10022-6030  
212.536.3900  
[www.kl.com](http://www.kl.com)

December 15, 2004

MAIL STOP PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Pascal AMARY et al.  
New U.S. Patent Application Filed: Herewith  
National phase of International Application No. PCT/EP03/06316  
Dated: June 16, 2003  
Claiming Priority of European Patent No. 02291510.2 Filed June 17, 2002  
"ACHROMATIC SPECTROSCOPIC ELLIPSOMETER WITH HIGH  
SPATIAL RESOLUTION" Attorney Docket No. AMARY

SIR:

We enclose herewith:

- Transmittal Letter concerning a filing under 35 U.S.C. 371 w/ Fee Calculation Sheet;
- Copy of International PCT Publication No. WO 03/106979 with International Search Report;
- Declaration (unexecuted);
- Preliminary Amendment;
- Copy of International Preliminary Examination Report;
- Information Disclosure Statement;
- Copies of Four (4) References Cited;
- Check for \$1,050.00 (See Fee Calculation Sheet);
- Acknowledgment Postcard.

CORRESPONDENCE INDICATION: Please recognize the following address as the correspondence address: Customer Number 00545.

The Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 080570. Applicant hereby petitions under 37 CFR 1.136 or other applicable rule to have the response period extended the number of months necessary to render the attached communication timely if a petition is required.

Respectfully submitted,



Anthony H. Handal

Reg. No. 26,275 Phone: (212) 536-4870

Roger Pitt

Reg. No. 46,996 Phone: (212) 536-4867

EXPRESS MAIL LABEL NO.  
EV477960875US